

CLEMENT SETH ROBERTS (STATE BAR NO. 209203)
croberts@orrick.com
BAS DE BLANK (STATE BAR NO. 191487)
basdeblank@orrick.com
ALYSSA CARIDIS (STATE BAR NO. 260103)
acaridis@orrick.com
EVAN D. BREWER (STATE BAR NO. 304411)
ebrewer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

SEAN M. SULLIVAN (*pro hac vice*)
sullivan@ls3ip.com
COLE B. RICHTER (*pro hac vice*)
richter@ls3ip.com
LEE SULLIVAN SHEA & SMITH LLP
656 W Randolph St., Floor 5W
Chicago, IL 60661
Telephone: +1 312 754 0002
Facsimile: +1 312 754 0003

Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff and Counter-defendant,

v.

SONOS, INC.,

Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF COLE B.
RICHTER IN SUPPORT OF SONOS,
INC.'S RENEWED REQUEST RE
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL DOCUMENTS
FILED IN SUPPORT OF ITS ANSWER
TO GOOGLE LLC'S SECOND
AMENDED COMPLAINT RE
DKT. NOS. 133 AND 174**

1 I, Cole B. Richter, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Lee Sullivan Shea & Smith LLP, counsel of
4 record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good standing
5 of the Bar of the State of Illinois. I have been admitted *pro hac vice* in this matter. I make this
6 declaration based on my personal knowledge, unless otherwise noted. If called, I can and will
7 testify competently to the matters set forth herein.

8 2. I make this declaration in support of Sonos’s renewed request to file under seal
9 portions of an exhibit filed in support of 1) Sonos, Inc.’s Answer to Google LLC’s Second
10 Amended Complaint and Sonos, Inc.’s Counterclaims (“Sonos’s Answer”) and 2) Sonos, Inc.’s
11 Amended Answer to Google LLC’s Second Amended Complaint and Sonos, Inc.’s Counterclaims
12 (“Sonos’s Amended Answer”) (collectively “Sonos’s Answer to SAC”) (Dkt. Nos. 133 and 174).

13 3. Sonos seeks an order granting leave to file under seal the document(s) and/or
14 information listed below:

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Exhibit AZ to Sonos’s Answer to SAC	Portions highlighted in green	Sonos

18 4. On February 18, 2022, Sonos filed an administrative motion to seal certain
19 exhibits in support of its Answer to Google LLC’s Second Amended Complaint and Sonos, Inc.’s
20 Counterclaims (“Sonos’s Answer”) (Dkt. No. 133). On March 18, 2022, Sonos filed an
21 administrative motion to seal the same exhibits in support of its Amended Answer to Google
22 LLC’s Second Amended Complaint and Sonos, Inc.’s Counterclaims (“Sonos’s Amended
23 Answer”) (Dkt. No. 174). Further, Sonos contemporaneously filed administrative motions to
24 consider whether another party’s material should be sealed (Dkt. Nos. 134 and 175) and Google
25 filed supportive declarations (Dkt. Nos. 144 and 189).

26 5. On August 29, 2022, the Court granted in part and denied in part Sonos’s
27 Administrative Motions at Dkt. Nos. 133, 134, 174 and 175. Specifically, as to Exhibits AZ, BB,
28

1 BE, BI and BL, the Court denied Sonos's request to seal the exhibits in their entirety but further
2 stated that "the Court will entertain a renewed request" to seal, "[i]f the parties can articulate
3 specific, non-boilerplate reasons that these emails actually present such a risk."

4 6. Exhibit AZ contains highly confidential Sonos material and/or information. The
5 document was designated Highly Confidential – Attorneys' Eyes Only pursuant to the Protective
6 Order in this case (Dkt. No. 92). Specifically, the portions highlighted in green in Exhibit AZ
7 contain descriptions of the technical nature of Sonos's commercial products that Sonos does not
8 share publicly. In particular, the portions highlighted in green describe under the hood operations
9 concerning how Sonos players communicate with one another to add and remove themselves
10 from groups. These highlighted portions also describe Sonos's proprietary approach for
11 communicating with one another, including how Sonos controllers use certain string operators to
12 efficiently operate within and without groups. Public disclosure of the information highlighted in
13 green in Exhibit AZ may lead to competitive harm as Sonos's competitors could use these details
14 regarding the technical aspects, competitive data, architecture and functionality of these products
15 to gain a competitive advantage in the marketplace with respect to their competing products. A
16 less restrictive alternative than sealing the highlighted portions of the exhibit would not be
17 sufficient because the information sought to be sealed is Sonos's confidential business
18 information and trade secrets and is integral to Sonos's defenses. Sonos has narrowly tailored its
19 request in this renewed request.

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
21 knowledge. Executed this 3rd day of October, 2022 in Chicago, Illinois.

22
23 /s/ Cole B. Richter

24 COLE B. RICHTER